

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE LOCAL UNION NO. 98 et al.,	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	
RGB SERVICES, LLC et al.,	:	NO. 11-4579
Defendants.	:	

AMENDED PRETRIAL SCHEDULING ORDER

AND NOW, this **10th** day of **April, 2012**, following a pretrial telephone conference with all counsel and pursuant to joint proposed scheduling dates, IT IS ORDERED as follows:

1. All discovery shall proceed forthwith and continue in such manner as will assure that all requests for and responses to discovery will be served, noticed, and completed by **May 25, 2012**.

2. On or before **May 25, 2012**, plaintiff shall provide defendant's counsel with the name, address, curriculum vitae, and a signed, written expert report containing the findings, conclusions and opinions, of each expert witness.

3. On or before **May 25, 2012**, defendant shall provide plaintiff's counsel with the name, address, curriculum vitae, and a signed written expert report containing the findings, conclusions and opinions, of each expert witness.

4. Defendant's motion for summary judgment shall be filed no later than **June 1, 2012**. Plaintiff's response thereto or plaintiff's cross motion for summary judgment shall be filed on or before **July 2, 2012**.

(a) The movant shall file, in support of the motion for summary judgment, a Statement of Undisputed Facts which sets forth, in numbered paragraphs, all material facts

which the movant contends are undisputed;

(b) The respondent shall file, in opposition to the motion for summary judgment, a separate Statement of Disputed Facts, responding to the numbered paragraphs set forth in the movant's Statement of Undisputed Facts, which the respondent contend present a genuine issue to be tried. The respondent shall also set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude summary judgment.

(c) All material facts set forth in the Statement of Undisputed Facts required to be served by the movant shall be admitted unless controverted by the opposing party.

(d) Statements of material facts in support of or in opposition to a motion for summary judgment shall include specific and not general references to the parts of the record which support each of the statements. Each stated fact and each statement that a material fact is disputed shall cite the source relied upon, including the title, page and line of the document supporting the statement.

Failure of the movant to follow this procedure in all respects will result in the denial of the motion. Respondent's failure to comply will result in the Court's considering the motion as uncontested.

5. On or before **September 4, 2012**, counsel for each party shall serve upon counsel for every other party:

(a) the original or a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each party shall mark its trial exhibits in advance of trial with consecutive numbers appropriately prefixed with an identifying letter of counsel's choice (i.e., P-1, P-2; D-1, D-2);

(b) curriculum vitae for each expert witness expected to testify; and

(c) a specific identification of each discovery item expected to be offered into evidence. Parties are encouraged to provide the jury with electronic imaging of trial exhibits.

6. Only those exhibits, discovery items and expert witnesses identified in the manner set forth in this Order shall be considered by the Court for admission into evidence at trial, unless stipulated to by all affected parties and approved by the Court, or by Order of Court so as to avoid manifest injustice.

7. Because a witness may be unavailable at the time of trial in the manner defined in Federal Rule of Civil Procedure 32(a)(3), the Court expects use of oral or videotape depositions at trial of any witness whose testimony a party believes essential to the presentation of that party's case, whether that witness is a party, a non-party or an expert. The unavailability of any such witness will not be a ground to delay the commencement or progress of an ongoing trial. In the event a deposition is to be offered, the offering party shall file with the Court, prior to the commencement of the trial, a copy of the deposition, but only after all efforts have been made to resolve objections with other counsel. Unresolved objections shall be noted in the margin of the deposition page(s) where a Court ruling is necessary.

8. All motions in limine shall be filed on or before **September 4, 2012**. Responses thereto are due on or before **September 18, 2012**.

9. All parties shall prepare and file with the Clerk of Court their pretrial memoranda in accordance with this Order and Local Rule of Civil Procedure 16.1(c), as follows:

Plaintiffs - on or before **September 18, 2012**.

Defendants - on or before **September 18, 2012**.

In addition to compliance with Local Rule of Civil Procedure 16.1(c), the parties shall include the following in, or attached to, their pretrial memoranda:

- (a) A listing of the identity of each expert witness to be called at trial by the party;
- (b) a curriculum vitae for each expert witness listed;
- (c) a listing of each fact witness to be called at trial with a brief statement of the nature of their expected testimony (witnesses not listed may not be called by that party in its case-in-chief);
- (d) an itemized statement of claimant's damages or other relief sought; and
- (e) a statement of any anticipated important legal issues on which the Court will be required to rule, together with counsel's single best authority on each such issue.

One copy (1) of the pretrial memoranda shall be filed with the Clerk of the Court and two (2) copies shall be sent to the Court (Chambers).

10. Any party having an objection to: (a) the admissibility of any exhibit based on authenticity; (b) the adequacy of the qualifications of an expert witness expected to testify; (c) the admissibility for any reason (except relevancy) of any item of evidence expected to be offered, or (d) the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 shall set forth separately each such objection, clearly and concisely, in their pretrial memorandum. Such objection shall describe with particularity the ground and the authority for the objection. Unless the court concludes at trial that manifest injustice will result, the Court can be expected to overrule any objection offered at trial in respect to any matter covered by (a), (b), (c) and/or (d) above, if the Court concludes that the objection should have been made as required by this Order.

11. **No later than three days** before the date trial is scheduled to commence, the parties shall file a complete and comprehensive stipulation of uncontested facts pursuant to paragraph

(d)(2)(b)(2) of Local Rule of Civil Procedure 16.1; the original shall be filed with the Clerk of Court, and two (2) copies shall be submitted to the Court (Chambers).

12. At the commencement of trial, the parties shall provide the Court with two (2) copies of a schedule of exhibits which shall briefly describe each exhibit. At the trial, the parties shall provide the Court with two (2) copies of each exhibit at the time of its first use at trial.

13. This case will be listed for trial as follows:

Date Certain: **October 1, 2012** at **9:30 A.M.** in Courtroom **3G**. Trial is expected to last through **October 3, 2012**. Counsel should consider themselves attached as of this date.

COUNSEL PLEASE NOTE: This Scheduling Order will be the only written notice counsel receive of the date this case will be tried. Counsel and all parties shall be prepared to commence trial on **October 1, 2012**.

14. The parties shall file one (1) copy of proposed findings of fact and conclusions of law with the Clerk of Court on a date to be set after trial. One (1) copy of the proposed findings of fact and conclusions of law shall be sent to the Court (Chambers).

BY THE COURT:

/s/ Timothy R. Rice
HONORABLE TIMOTHY R. RICE
United States Magistrate Judge